

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RAYMOND SULLIVAN and JULIA CAUSEY,
on behalf of themselves and others similarly
situated,

2:14-cv-00165-APG-VCF

Plaintiff,

ORDER

vs.

RIVIERA HOLDINGS CORPORATION d/b/a
RIVIERA HOTEL AND CASINO and DOES 1
through 50, inclusive,

Defendants.

Before the court is Defendant Riviera Operating Corporation's motion for stay of discovery pending adjudication of a dispositive motion (#25¹), Plaintiffs' opposition to Defendant's motion (#26), and Defendant's reply to Plaintiffs' opposition (#27). Because Defendant's motion to dismiss has been granted in full, Defendant's motion for stay of discovery (#25) is denied as moot.

This case arises from an employment dispute between Plaintiff employees and Defendant employer, Riviera Hotel and Casino. (*See* #28 at 1). Plaintiffs initially filed this case in Nevada state court alleging violations of the Fair Labor Standards Act and Defendant removed the case to this court. (*See* #1, Defendant's petition for removal). On May 27, 2014 Defendant moved the court to stay discovery pending the outcome of Defendant's motion to dismiss (#4). (#25 at 1). Defendant argues that discovery should be stayed because Defendant's motion to dismiss, if granted, would dispose of the entire case. (#27 at 5).

¹ Parenthetical citations refer to the court's docket.

1 On June 30, 2014, the Honorable District Judge Andrew P. Gordon, granted Defendant's motion
2 to dismiss, giving Plaintiffs thirty days to amend the complaint. (*See* #28 at 5). In the same order, Judge
3 Gordon also denied Plaintiffs' motion for circulation of notice (#11) as moot. Because there is no longer
4 a live complaint pending before the court, a discovery stay is unwarranted at this time.

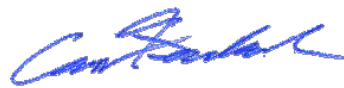
5 Article II, Section 2 of the United States Constitution explains that the "exercise of judicial
6 power depends on the existence of a case or controversy." *Liner v. Jafco, Inc.*, 375 U.S. 301, 306, n. 3
7 (1964)). Mootness occurs when there is no longer a case or controversy. *See Spencer v. Kemna*, 523
8 U.S. 1, 7 (1998)). "If there is no longer a possibility that [a litigant] can obtain relief for his claim, that
9 claim is moot." *Ruvalcaba v. City of Los Angeles*, 167 F.3d 514, 521 (9th Cir. 1999). Here, discovery
10 cannot be stayed because the case has been dismissed and discovery will not be conducted until after
11 Plaintiffs have submitted a valid complaint.

12 ACCORDINGLY, and for good cause shown,

13 IT IS ORDERED that Defendant's motion for stay of discovery pending adjudication of a
14 dispositive motion (#25) is DENIED as moot.

15 IT IS SO ORDERED.

16 DATED this 1st day of July, 2014.

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19 CAM FERENBACH
20 UNITED STATES MAGISTRATE JUDGE
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